



General Assembly

February Session, 2002

Amendment

LCO No. 5581

SB0003505581SD0

Offered by:

SEN. HARP, 10th Dist.

SEN. DAILY, 33rd Dist.

SEN. NICKERSON, 36th Dist.

To: Subst. Senate Bill No. 35

File No. 538

Cal. No. 342

***"AN ACT CONCERNING PERIODIC REVALUATION OF REAL
PROPERTY BY MUNICIPALITIES."***

1 After the last section, insert the following:

2 "Section 6. (NEW) (*Effective from passage*) Notwithstanding the
3 provisions of the general statutes or any public or special act, charter
4 or home rule ordinance, any municipality with a population of more
5 than fifty thousand and a geographic area of twelve square miles or
6 less, in which are located three districts organized under sections 7-324
7 to 7-329, inclusive, of the general statutes, or any special act and
8 providing fire fighting services, any one or more of which districts has
9 an unfunded past benefit obligation in excess of its most recently
10 adopted annual budget, may assume the powers and responsibilities
11 of such fire districts if consolidation of the fire district is approved by a
12 majority of the electors of each district voting at referenda conducted
13 in each such district. The legislative body of the municipality may

14 provide by resolution for a referendum in each district to determine if
15 such districts shall be consolidated pursuant to this section. Such
16 referendum shall be conducted in accordance with sections 9-369 to 9-
17 371a, inclusive, of the general statutes, as amended. The referendum in
18 each district shall be conducted on the same date not more than ninety
19 days after the effective date of this act. If consolidation is approved by
20 the referendum in each district, such districts shall terminate and
21 consolidate with the municipality on the ninetieth day following the
22 approving referendum, except if the resolution establishes an earlier
23 date for termination and consolidation, on such earlier date. As used in
24 this section, "unfunded past benefit obligation" means the unfunded
25 actuarial accrued liability of the pension plan determined in a method
26 and using assumptions meeting the parameters established by
27 generally accepted accounting principles.

28 Sec. 7. (NEW) (*Effective from passage*) If the referendum conducted in
29 each district under section 6 of this act approves consolidation, the
30 municipality shall assume and exercise through a municipal fire
31 department the fire and public safety powers and responsibilities
32 previously exercised by the districts on the date established for
33 consolidation pursuant to section 6 of this act.

34 Sec. 8. (NEW) (*Effective from passage*) If the referendum conducted in
35 each district under section 6 of this act approves consolidation, on the
36 date established for consolidation pursuant to section 6 of this act, (1)
37 all property, both real and personal, and all rights of action and other
38 rights with all securities and liens belonging to or vested in the
39 districts, shall be transferred to the municipality without further action
40 or need for recording; (2) the municipality shall be liable for and shall
41 assume all debts and obligations of the districts; (3) all rights and
42 responsibility of a contract entered into by the districts, including
43 collective bargaining units, shall be the rights and responsibility of the
44 municipality; (4) all federal, state, regional and municipal officials,
45 officers and other persons or corporations that are required by law to
46 pay money to the district or their treasurers or other officers, shall pay
47 such money to the treasurer of the municipality; (5) the municipal tax

48 collector shall possess and may exercise the rights and duties
49 possessed by district tax collectors, including with respect to the
50 collection of taxes due or coming due in any district, the lien or
51 foreclosure of property therefor and the institution or continuation of
52 any such collection or foreclosure action instituted, or lien filed or
53 capable of filing by a district; (6) the municipal tax collector shall
54 possess and may exercise all rights and powers as municipal tax
55 collector to preserve, collect or foreclose any tax, fee, interest, or cost
56 owed at any time to a district, or owed to the municipality as a result
57 of termination of such district, or lien arising therefrom; (7) the
58 municipal treasurer shall possess and may exercise the rights and
59 duties possessed by the district treasurer, including with respect to the
60 collection of debts and revenue and other responsibilities exercised by
61 such office; and (8) any security, lien, debt or obligation accruing or
62 owed to a district, or accruing or arising after consolidation with the
63 municipality, or which would have accrued or arisen but for
64 consolidation, shall be owed to and collected by the municipality.
65 Notwithstanding the provisions of this act, the municipality (A) shall
66 recognize as the exclusive bargaining representative any incumbent
67 labor organization previously designated as the exclusive bargaining
68 representative of the employees pursuant to sections 7-467 to 7-477,
69 inclusive, of the general statutes, and (B) shall assume all financial
70 obligations incurred by a district with respect to any employment or
71 pension right or contract, including any financial obligation arising in
72 connection with a bargaining unit, except those arising from
73 promotions made after January 1, 2002, unless (i) such promotion fills
74 a position existing as of January 1, 2002, that was vacant at the time it
75 was filled by the promotion, and (ii) the municipality negotiates with
76 such incumbent labor organization in accordance with the provisions
77 of said sections 7-467 to 7-477, inclusive.

78 Sec. 9. (NEW) (*Effective from passage*) If the referendum conducted in
79 each district under section 6 of this act approves consolidation, the
80 public officials, employees and other agents of the districts
81 consolidated pursuant to sections 6 to 13, inclusive, of this act shall

82 cooperate and assist the municipality and the board of fire
83 commissioners created pursuant to section 10 of this act or any other
84 municipal fire fighting administrative body in the assumption of
85 responsibilities and obligations of the districts by the municipality. No
86 present or former employee, official or other agent of any district shall
87 remove any document, record or property of the district, or which
88 belonged to the district prior to its termination, from district offices or
89 files, or secrete or fail to disclose the location of such records to
90 municipal officials. District officials and employees shall identify and
91 make available to municipal officials every law, ordinance, resolution,
92 policy or other operating practice or policy adopted by the district, its
93 officials or employees with respect to its operations, and all contracts,
94 invoices, checkbooks, bank accounts, receipts, audits, warranties and
95 any other record or document with regard to the operation and
96 maintenance of the district, its finances, facilities and equipment.

97 Sec. 10. (NEW) (*Effective from passage*) If a referendum conducted in
98 each district under section 6 of this act approves consolidation:

99 (1) In order to provide for a continuation of fire protection and
100 safety services, the municipality shall provide for management of fire
101 protection for its inhabitants and within its geographic area by a board
102 of fire commissioners. The board shall consist of five members. The
103 members shall be comprised of the chairperson or acting chairperson
104 of each fire district consolidated pursuant to this act and the balance
105 appointed by the chief elected official of the municipality. Such
106 members shall be appointed and take office within two weeks of
107 approval of the consolidation resolution. The board shall have all
108 powers conferred on such boards pursuant to section 7-301 of the
109 general statutes. The members of the boards shall initially serve for a
110 two-year term at the expiration of which the members shall be
111 appointed by the chief elected official of the municipality with the
112 approval of the elected legislative body as follows: One for a term of
113 one year, one for a term of two years, one for a term of three years, one
114 for a term of four years and one for a term of five years. Thereafter, the
115 members shall be appointed for five-year terms. The board shall

116 provide for the integration of the fire districts as one municipal fire
117 department.

118 (2) After the effective date of termination of the districts, a
119 municipality may initiate and exercise any powers and otherwise
120 provide for the fire fighting management as authorized under the
121 general statutes and as provided by law, notwithstanding that the
122 exercise of such powers is inconsistent with the provision of this
123 section, provided no such exercise shall affect the termination of the
124 districts, or the assumption of district rights and obligations by the
125 municipality.

126 Sec. 11. (NEW) (*Effective from passage*) If the referendum conducted
127 in each district under section 6 of this act approves consolidation, the
128 chief elected official of the municipality shall appoint a chief of the
129 municipal fire department who shall serve in accordance with law.

130 Sec. 12. (NEW) (*Effective from passage*) Any consolidation and
131 termination of fire districts under the provisions of sections 6 to 13,
132 inclusive, of this act shall not affect the existence of any volunteer fire
133 departments, companies or volunteers in the municipality which
134 report to the chief of the municipal fire department.

135 Sec. 13. (NEW) (*Effective from passage*) The invalidity of any section
136 or provision of this act shall not affect the continued validity of the
137 remaining provisions."